

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Con.Case(C).No. 740 of 2007(S)

PETITIONER/PETITIONER

MATHEW T.LUKE, S/O.T.M.LUKA, AGED 27,
THUKKANKOTTIL HOUSE, MUTTOM P.O.,
THODUPUZHA, PIN - 685 587.

BY ADV. SMT.K.USHA
SRI.S.SHARAN

RESPONDENTS: RESPONDENTS 2 & 3

1. B.JALAJADHARAN, AGED 54 YEARS,
S/O.NOT KNOWN TO THE PETITIONER,
CHIEF ENGINEER (TC & M)
K.S.E.BOARD, PATTOM, THIRUVANANTHAPURAM.

2. C.U.MATHAI, AGED 54 YEARS, S/O.UTHUP,
SECRETARY, K.S.E.BOARD, VYDHYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

BY ADV.SRI.JOSE J.MATHEIKAL, S.C.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

Cont. Case (C).No.740 OF 2007

Dated this the 21st day of June, 2007

JUDGMENT

Learned standing counsel for the respondents submit today that the petitioner had furnished the death certificate of his father.

2. The writ petition filed by the petitioner herein seeking disbursal of amounts that was due to his late father was disposed of directing payment of amounts. The Electricity Board now takes the stand that the father having expired and there being four sharers, the Board has drawn demand drafts in favour of three of the sharers who are majors, while one daughter of the deceased father of the petitioner being a minor, the amount due to that minor has been deposited in some bank and Fixed Deposit receipt has been produced.

3. The Electricity Board is a statutory authority constituted under the relevant laws. It is not a civil court to determine the shares of parties on assets of a person who dies intestate or otherwise. In my view, it was not the business of the concerned officers to conclude for themselves that an FD could be drawn as regards 1/4th share, particularly when the matter was engaging the attention of this Court. It is a clear case where there is affront to the authority of this Court where an adjudication proceeding is pending. I am totally dissatisfied with the manner in which the money due to the minor has been dealt with.

4. In the aforesaid circumstances, learned standing counsel for the Board has handed over three DDs in favour of the three major sons of the late father of the petitioner, to the counsel appearing for the petitioner in open Court, today, before me. The amount covered by the FD will be paid in the form of a DD drawn in favour of the petitioner on the petitioner executing an indemnity bond in favour of the Board to satisfy any claim his

minor sister makes against the Board. Let this be done within a period of three weeks.

With the aforesaid directions, this contempt case is closed.

THOTTATHIL B.RADHAKRISHNAN
Judge

k kb.